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*Admitted only in Maryland
*Admitted only in Virginia
*Admitted only in Texas
*Practice Limited to Federal Agencies

July 17, 2002

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Commissioner for Patents
Washington, D.C. 20231

*Art Unit 1633*

Re: U.S. Utility Patent Application
Appl. No. 10/035,216; Filed: January 4, 2002
For: **Viral Delivery System for Infectious Transfer of Large Genomic DNA Inserts**
Inventors: Chiocca *et al.*
Our Ref: 0609.5050005/JAG/KRM/FRC

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Sir:

Transmitted herewith for appropriate action are the following documents:

1. Second Supplemental Information Disclosure Statement;

2. Listing of the cited documents on Form PTO-1449 (1 sheet);

3. A copy of each of the two (2) cited documents on Form PTO-1449; and

4. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Frank R. Cottingham

Frank R. Cottingham
Attorney for Applicants
Registration No. 50,437

FRC/pcd
Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

CHIOCCA *et al.*

Appl. No. 10/035,216

Filed: January 4, 2002

For: **Viral Delivery System for Infectious Transfer of Large Genomic DNA Inserts**

Confirmation No. 3452

Art Unit: 1633

Examiner: *To be assigned*

Atty. Docket: 0609.5050005/JAG/KRM/FRC

## Second Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on May 31, 2002 in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Second Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Frank R. Cottingham

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Date: 7/17/02

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FORM PTO-1449

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

| ATTY. DOCKET NO. | APPLICATION NO. |
|---|---|
| 0609.5050005/JAG/KRM/FRC | 10/035,216 |
| APPLICANT: CHIOCCA *et al.* | |
| FILING DATE: January 4, 2002 | GROUP: 1633 |

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U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE |
|---|---|---|---|---|---|---|---|
| | AA | | | | | | |
| | AB | | | | | | |
| | AC | | | | | | |
| | AD | | | | | | |
| | AE | | | | | | |
| | AF | | | | | | |
| | AG | | | | | | |
| | AH | | | | | | |
| | AI | | | | | | |
| | AJ2 | 5,998,208 | 12/07/1999 | Fraefel *et al.* | 435 | 455 | 01/21/1998 |
| | AK | | | | | | |

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB-CLASS | TRANSLATION |
|---|---|---|---|---|---|---|---|
| | AL | | | | | | Yes No |
| | AM | | | | | | Yes No |
| | AN | | | | | | Yes No |
| | AO | | | | | | Yes No |
| | AP | | | | | | Yes No |

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

| | | | |
|---|---|---|---|
| | AR | 35 | Suter, M., *et al.*, "BAC-VAC, a novel generation of (DNA) vaccines: A bacterial artificial chromosome (BAC) containing a replication-competent, packaging-defective virus genome induces protective immunity against herpes simplex virus 1," *Proc. Natl. Acad. Sci. USA 96*:12697-12702, The National Academy of Sciences (1999) |
| | AS | | |
| | AT | | |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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SKGF Rev. 1/95